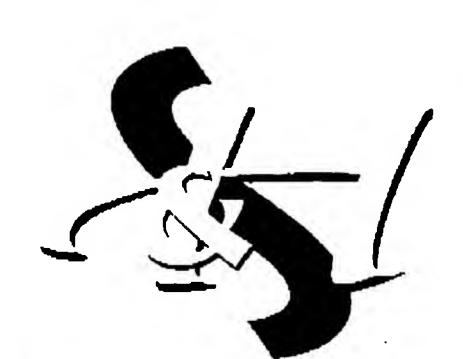
03/09/2005 12:29 FAX 7275078668



# AKIMA-DTSV 0 9 MAR 2005 smith & hopen, p.a.

15950 Bay Vista Drive, Suite 220 Clearwater, Florida 33760 727.507.8558 Tel 727.507.8668 Fax www.baypatents.com



#### INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office - OF	PE From:	Ronald E. Smith	
Attn:	Filing Receipt Corrections	Client:	1372.23.PRWOUS	
Fax:	(703) 746-9195	Pages:	14 including cover	sheet
Phone:	(703) 308-1202	Date:	March 9, 2005	
Ře:	USSN: 10/605,126	CC:		
□ Urgei	nt 🗹 For Review 🔲 Please Co	mment	☐ Please Reply	☐ Please Recycle
			<del>,</del>	

#### Dear Sir:

In response to the Notice Regarding Benefit/Priority Claim(s) mailed January 10, 2005, we enclose the following:

- Renewed Request for Correction of Filing Receipt with Certificate of Mailing under 37 C.F.R. under 1.8(a) dated March 9, 2005 (2 pages);
- 2. Copy of Filing Receipt received from The Office (2 pages);
- 3. Copy of Transmittal Letter to the U.S. Receiving Office dated March 13, 2002 (1 page);
- 4. Copy of PCT Request, including sheet No. 3 entitled "Box No. V Designation of States" indicating that the US is one of the Designated States (7 pages); and
- 5. Copy of Postcard Receipt indicating USRO receipt of PCT Application No. PCT/US02/07637 on March 13, 2002 (1 page).

Very\_respectfully,

Ronald E. Smith Reg. No. 28,761

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are <u>not</u> the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

Practitioner's Docket No.: 1372.23.PRWOUS

**PATENTS** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Andrew M. Hoff

Serial No.: 10/605,126

Art Unit: 3763

Examiner: Unassigned

Filed: 09/10/2003

Confirmation No.: 2125

Faxed to Office of Initial Patent Examination (703) 746-9195 Commissioner for Patents Mail Stop OIPE Customer Service Center P.O. Box 1450 Alexandria, VA 22313-1450

Electromanipulation Device and Method

#### RENEWED REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

For:

A Supplemental Data Sheet was filed on 04/23/2004 in response to a Notice Regarding Benefit/Priority Claim(s) mailed 03/04/2004. The undersigned hereby requests that the Priority Data be changed on the filing receipt and in the record of the above-mentioned application as follows:

This application is a National Stage (35 U.S.C. §371) Application of PCT/US02/07637 filed 03/13/2002 which claims benefit of 60/275,326 filed 03/13/2001.

Applicants further attach hereto the following items in support of this renewed request:

- 1. Copy of the Filing Receipt for the above-referenced application.
- 2. Copy of Transmittal Letter To The United States Receiving Office (one page) dated 13 March 2002.
- 3. Copy of PCT Request (seven pages), including sheet No. 3 entitled "Box No. V Designation of States" indicating that the US is one of the Designated States.
- 4. Copy of Post Card indicating USRO receipt of PCT application No. PCT/US 02/07637 on 13 March 2002.
- 5. Original Post Card indicating receipt of this Renewed Request and items 1-4.

## CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. 1.8(a)).

I HEREBY CERTIFY that this Renewed Request for Correction of Filing Receipt is being transmitted by facsimile to the United States Patent and Trademark Office, Office of Initial Patent Examination Filing Receipt Corrections (703) 746-9195 on Wednesday, March 09, 2005.

Dated: 3/9/2005

Charlene Morgan

Please note the present case was filed 09/10/2003, about six (6) months after the filing of the PCT case. Accordingly, the present case is a National Stage Application under 35 U.S.C. 371 and is not an application filed under 35 U.S.C. 111(a) as contended by the Office.

Applicants respectfully request issuance of a corrected filing receipt.

Reg. No. 28,761

Tel. No.: (727) 507-8558

Very respectfully,

SIGNATURE OF PRACTITIONER

Ronald E. Smith

Smith & Hopen, P.A.

15950 Bay Vista Drive, Ste. 220

Clearwater, FL 33760

(Renewed Request for Correction of Filing Receipt Transmittal—page 2)

Page 1 of 2



#### United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Addison; COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Vingiria 22313-1450
Alexandria, Vingiria 22313-1450
Alexandria, Vingiria 22313-1450

APPL NO. | FILING OR 371 | ART UNIT | FIL FEE REC'D | ATTY.DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS | 10/605,126 | 09/10/2003 | 2811 | 53,4 | 1372,23.PRWOUS | 4 | 33 | 4

**CONFIRMATION NO. 2125** 

FILING RECEIPT

OC00000012019182\*

21901 SMITH & HOPEN PA 15950 BAY VISTA DRIVE SUITE 220 CLEARWATER, FL 33760

Date Mailed: 03/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filling Receipt, please write to the Office of Initial Patent Examination's Filling Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filling Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filling Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filling Receipt Incorporating the requested corrections (if appropriate).

#### Applicant(s)

Andrew M. Hoff, Tampa, FL; Richard Gilbert, Tampa, FL; Richard Heller, Tampa, FL; Mark J. Jaroszeski, Tampa, FL;

#### Assignment For Published Patent Application

UNIVERSITY OF SOUTH FLORIDA, Tampe, FL;

Domestic Priority data as claimed by applicant

This is a Natzoral Stage (35 INSC § 371) Application of PCT/US/02/07637

Foreign Applications

Filed 03/13/2002

Which claims benefit of 60/275,324 filed 03/13/2001

If Required, Foreign Filing License Granted: 12/02/2003

Projected Publication Date: 03/10/2005

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Page 2 of 2

Title

Electromanipulation Device and Method

**Preliminary Class** 

438

# LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

TR	ANSMITTA	L LETTER TO	THE		Desc		13 Marc	h 2002
		RECEIVING C		Intern	ational Applicat	ion No.		
	-			At	torocy Docket N	o.	1372.23	PCT
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								(Day/Month/Year) 13/03/2001
	<b>ECHEPNING</b>	DISCLOSURE INFO						
A.   B.   C.	The invention  There is no  The following attached into	purposes of determining the following information disclosed was not murior U.S. application of prior U.S. application of the prior U.S. application of the first (Request) and this list	ion is supplied. (No sade in the United Stating to this invention(s) contain subject (NOTE: priority to	ite; check lates. lion. matter w	hich is related	s as app	ly): Ivention di	reclosed in the
1	polication no.	· · · · · · · · · · · · · · · · · · ·						
	phication no.	60/2	75,326		filed on		13	March 2001
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PCT	r receiving Office use only					
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	International Application No.					
REQUEST	International Filing Da	æ				
The undersigned requests that the present						
international application be processed according to the Patent Cooperation Treaty.	Name of receiving Office and "PCT International Application"					
•	Applicant's or agent's (if desired) (12 charact	file reference ers maximum) 1372.23.PCT				
Box No. I TITLE OF INVENTION Electromanipulation Device and Method						
Box No. II APPLICANT This person	on is also inventor					
Name and address: (Family name followed by given name; for a legal en The address must include postal code and name of country. The country of Box is the applicant's State (that is, country) of residence if no State of residen	the address indicated in this	Telephone No. 727-507-8558				
University of South Florida		Facsimile No. 727-507-8668				
(A Florida Non-Profit Corporation) 4202 East Fowler Avenue		Teleprinter No.				
Tampa, Florida 33620-7900						
US		Applicant's registration No. with the Office				
State (that is, country) of nationality:	State (that is, country) US	of residence;				
This person is applicant all designated for the purposes of:  all designated the United States	ed States except States of America	the United States indicated in the States indicated in the Supplemental Box				
Box No. III FURTHER APPLICANT(S) AND/OR (FURT	HER) INVENTOR(S)					
Name and address: (Family name followed by given name: for a legal en The address must include postal code and name of country. The country of Bax 4 the applicant's State (that is, country) of residence if no State of resident Hoff, Andrew	the address indicated in this	This person is:  applicant only  applicant and inventor				
4202 East Fowler Avenue - ENB 118 Tampa, Florida 33620		inventor only (If this check-box is marked, do not fill in below.)				
US		Applicant's registration No. with the Office				
State (that is, country) of pationality:	State (that is, country) US	of residence:				
This person is applicant all designated all designate for the purposes of:  States all designated the United S	ed States except sistes of America	the United States indicated in the States indicated in the Supplemental Box				
Further applicants and/or (further) inventors are indicated	on a continuation sheet.					
Box No. IV ACENT OR COMMON REPRESENTATIVE	; or address for	CORRESPONDENCE				
The person identified below is hereby/has been appointed to act of the applicant(s) before the competent International Authorities	on behalf	agent common representative				
Name and address: (Family name followed by given name; for a legal ent The address must include postal code and name of a	lty, full official designation. ounay.)	Telephone No. 727-507-8558				
Hopen, Anton J. Smith & Hopen, P.A.	Facsimile No. 727-507-8668					
15950 Bay Vista Drive, Suite 220 Clearwater, Florida 33760		Teleprinter No.				
US		Agent's registration No. with the Office				
Address for correspondence: Mark this check-box where space above is used instead to indicate a special address to	no agent or common rep which correspondence s	resentative is/has been appointed and the hould be sent.				

Form PCT/RO/101 (first sheet) (Murch 2001; reprint January 2002)

Sheet No	2. , .	
Continuation of Box No. III FURTHER APPLICANT(S) A	ND/OR (FURTHER)	INVENTOR(S)
If none of the following sub-boxes is used, this sheet should not	be included in the rec	quesi.
Name and address: (Family name followed by given name; for a legal entity. The address must include postal code and name of country. The country of the Box is the applicant's State (that is, country) of residence (fino State of residence Gilbert, Richard 4202 East Fowler Avenue - ENB 118 Tampa, Florida 33620 US	e address indicated in this	This person is:  applicant only  spplicant and inventor  inventor only (If this check-box is marked, do not fill in below.)  Applicant's registration No. with the Office
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This person is applicant all designated for the purposes of:  all designated the United States the United States	States except	the United States   the States indicated in of America only the Supplemental Box
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State (that is, country) of nationality:	State (that is, country)	of residence;
This person is applicant all designated all designated for the purposes of:		the United States the States indicated in of America only the Supplemental Box
Further applicants and/or (further) inventors are indicated or	another continuation	sheet.

Form PCT/RO/101 (continuation sheet) (March 2001; reprint January 2002)

Sheet No. ...3...

В	ox N	lo. V	DESIGNATION OF STATE	:\$	λ	Sark the applicable check-boxe	es below;	at le	tas	t one must be marked.
T	The following designations are hereby made under Rule 4.9(a):									
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	1 A	P A! SI SI <i>Sp</i>	RIPO Patent: GH Ghana, ( L Sicrea Leone, SZ Swaziland, T are which is a Contracting State ecify on dotted line)	ZU: cof	nited the J	Republic of Tanzania, UG Ug Jarare Protocol and of the PC	ganda, Z CT <i>(if oth</i>	M 2 erk	an in	vi, MZ Mozambique, SD Sudan, nbia, ZW Zimbabwe, and any other d of protection or treatment desired.
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LAC	other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that									
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Form PCT/RO/101 (second sheet) (January 2002)

		SECTION			
Box No. VI PRIORIT	Y CLAIM				
The priority of the following	ng carlier application(s) is here	by claimed:			
Filing date of carlier application	Number of earlier application		Where earlier application	is:	
(day/month/year)		national application: country	regional application:* regional Office	international application receiving Office	
item (1) 13/03/2001	60/275,326	US			
itcm (2)					
item (3)				·	
itcm (4)				,	
itcm (5)					
Further priority claims	s are indicated in the Supplement	musi Box.			
above as:  all items item	, _	item (3) item	(4) item (5)	other, see Supplemental Box	
Industrial Property or one N	tion is an ARIPO application, in Member of the World Trade Org	dicate as teast one country ganization for which that e	party to the Paris Convertariler application was file	ntion for the Protection of ed (Rule 4.10(b)(it)):	
Box No. VII INTERNA	TIONAL SEARCHING AUT	HORITY			
Choice of International Scinternational Secret, indicate ISA / USPTO	tarching Authority (ISA) (if the the two-		earching Authorities are c	competent to carry out the	
Request to use results of e	arlier search; reference to th		earch has been carried out	hu or requested from the	
International Searching Auth Date (day/month/year)	hority): Numbe		try (or regional Office)	· · · · · · · · · · · · · · · · · · ·	
Box No. VIII DECLARA	TIONS		-		
The following declarations check-boxes below and indica	are contained in Boxes Nos. Veste in the right column the number	VIII (i) to (v) (mark the ap ber of each type of declara	iplicable ition):	Number of declarations	
Box No. VIII (i)	Declaration as to the identity	of the inventor		:	
Box No. VIII (ii)	Declaration as to the application, to apply for and be gra	ant's entitlement, as at the inted a patent	international filing	;	
Box No. VIII (iii)	Declaration as to the applicate, to claim the priority of	ant's entitlement, as at the f the earlier application	e international filing	<b>:</b>	
Box No. VIII (iv)	Declaration of inventorship (United States of America)	(only for the purposes of t	the designation of the	; 4	
Box No. VIII (v)	Declaration as to non-prejud	dicial disclosures or except	tions to lack of novelty	· ·	

Form PCT/RO/101 (third sheet) (March 2001; reprint January 2002)

Sheet No. . 5 ....

Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)
The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v)
(in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.

Declaration of Inventorship (Rules 4.17(iv) and 51bis.1(a)(iv)) for the purposes of the designation of the United States of America: I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought. This declaration is directed to the international application of which it forms a part (if filing declaration with application). This declaration is directed to international application No. PCT/...... (if furnishing declaration pursuant to Rule 26ter). I hereby declare that my residence, mailing address, and citizenship are as stated next to my name. I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, baving a filing date before that of the application on which foreign priority is claimed. Prior Applications: USSN 60/275,326 I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like 50 made are punishable by line or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Name: Hoff, Andrew Residence: Tampa, Florida, US (city and cither US state, if applicable, or country) Mailing Address: 4202 East Fowler Avenue - ENB 118 Tampa, Florida 33620 US Citizenship: U\$ Inventor's Signature: ..... (if not contained in the request, or if declaration is corrected or (of signature which is not contained in the request, or of the added under Rule 26ter after the filing of the international declaration that is corrected or added under Rule 26ter after the application. The signature must be that of the inventor, not that of filing of the international application) the agent) Gilbert, Richard Residence: Tampa, Florida (city and either US state, if applicable, or country) Mailing Address: 4202 East Fowler Avenue - ENB 118 Tampa, Florida 33620 US Citizenship: US Inventor's Signature: ..... (if not contained in the request, or if doclaration is corrected or (of signature which is not contained in the request, or of the added under Rule 26ter after the filing of the international declaration that is corrected or added under Rule 26ter after the application. The signature must be that of the inventor, not that of filing of the international application) the agent) This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

Form PCT/RO/101 (declaration sheet (iv)) (March 2001; reprint January 2002)

Shoot No ?	Shoot No. 6
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Continuation of Box No. VIII (I) to (v) DECLARATION  If the space is insufficient in any of Boxes Nos. VIII (i) to (v) to furnish all the informate to be named in Box No. VIII (iv), in such case, write "Continuation of Box No the information in the same manner as required for the purposes of the Box in which in respect of two or more declarations, a separate continuation box must be used should not be included in the request.	ration, including in the case where more than two inventors.  VIII" (Indicate the item number of the Box) and furnish ich the space was insufficient. If additional space is needed for each such declaration. If this Box is not used, this sheet
Continuation of Box No. VIII (iv)	
Name: Jaroszeski, Mark J. Residence: Tampa, Florida Mailing Address: 4202 East Fowler Avenue - MDC 1 Tampa, Florida 33620 US Citizenship: US	6
Inventor's Signature:	Date:
Name: Heller, Richard Residence: Temple Terrace, Florida Mailing Address: 4202 East Fowler Avenue - MDC 16 Tampa, Florida 33620 US Citizenship: US	6
Inventor's Signature:	Date:

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	Sheet No?	•
Box No. IX CHECK LIST; LANGUAGE	of filing	
This international application contains:  (a) the following number of sheets in paper form:	This international application is accompanied by the following item(s) (mark the applicable check-baxes below and indicate in right column the number of each item):	Number of items
request (including	1. Toe calculation sheet	:
declaration sheets) : 6	2. X original separate power of attorney	:
description (excluding sequence listing part) : 12	3.  original general power of attorney	;
claims : 5	4. Copy of general power of attorney; reference number,	
abstract : 1	if any:,	:
drawings :4	5. The statement explaining lack of signature	:
Sub-total number of sheets: 28	6. priority document(s) identified in Box No. VI as item(s):	****
sequence listing part of description (actual number of sheets if filed in paper	7. Translation of intermetional application into (language):	
form, whether or not also filed in computer readable form; see (b) below)	8. separate indications concerning deposited microorganior of other biological material	sm :
Total number of sheets ; 28	9. sequence listing in computer readable form (indicate als and number of carriers (diskerte, CD-ROM, CD-R or or	her))
(b) sequence listing part of description filed in computer readable form	(i) copy submitted for the purposes of international under Rule 13ter only (and not as part of the international explication)	l search
(i) only (under Section 801(a)(i)) (ii) in addition to being filed in paper	international application)  (ii) (iii) (only where check-box (b)(i) or (b)(ii) is marked	; f in lest
form (under Section 801(a)(ii))  Type and number of carriers (diskette,	column) additional copies including, where app the copy for the purposes of international search Rule 13 ter	licable.
CD-ROM, CD-R or other) on which the	(iii) Logether with relevant statement as to the identity	` <b>;</b>
sequence listing part is contained (additional copies to be indicated under item 9(ii), in right column):	of the copy or copies with the sequence listing p mentioned in left column	art ;
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Figure of the drawings which hould accompany the abstract:	Language of filing of the international application: English	
Anton J. Hopen	ting and the capacity in which the person signs (if such capacity is not obvious fi	om reading the reques
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Date of actual receipt of the purported international application;		2. Drawings:
international application;		_
Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	at g	received:
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m PCT/RO/101 (last sheet) (March 2001; repr	int In 2002	
	sin Jenuary 2002) See Notes	to the request for

Applicant: University of South Florida
For: Electromanipulation Device and Method
Our Ref.: 1372.23.PCT

PCI/US 02/07637

Transmittal Letter to the United States Receiving Office with Certificate of Mailing under 37 CFR 1.10 dated March 13, 2002 - (1 page);

PCT Request - (7 pages);

PCT Fee Calculation Sheet - (1 page);

PCT Power of Attorney - (5 pages);

Patent Application – (18 pages);

Four (4) sheets of formal drawings; and

Check No. 1825 for US\$1,497.00, payable to Assistant Commissioner for Patents.

2002 NAR 2002

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